Royal Canadian Mounted Police
External Review Committee

Comité externe d'examen
de la Gendarmerie royale du Canada

Privacy Act

RCMP External Review Committee

Annual Report
2010-11

INTRODUCTION

The *Privacy Act* protects the privacy of all Canadian citizens and permanent residents regarding personal information held by a government institution. It also gives individuals, including those in Canada who are not permanent residents or citizens, the right to access their own personal information.

Section 72 of the *Privacy Act* requires that the head of every government institution submit an annual report to Parliament on the administration of the *Act* during the financial year. This report describes how the RCMP External Review Committee administered the *Privacy Act* throughout fiscal year 2010-11.

ABOUT THE RCMP EXTERNAL REVIEW COMMITTEE

The Royal Canadian Mounted Police External Review Committee (ERC) was created by Part II of the *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10, as amended, as an independent and impartial body to review appeals of formal discipline, appeals of discharge or demotion, and certain types of grievances involving regular and civilian members of the RCMP. The ERC independently reviews cases referred to it and submits recommendations to the Commissioner of the RCMP.

PRIVACY RESPONSIBILITIES

Because of the small size of the ERC (less than 10 FTE's) and of the small number of requests, all access to information-related functions are performed by the Executive Director and the Manager, Administrative Services. The ERC has no regional offices. The ERC processes requests as follows:

- the requested information is identified and localized;
- the requests are examined to see if they should be transferred to another government institution with a 'greater interest';
- possible exemptions are considered;
- a copy of the non-exempt information is prepared and forwarded to the requester with a transmittal letter; and,
- the requests and all related documentation are filed in the ERC's ATIP registry.

All personal information is compartmentalized, and access is controlled, to ensure it will only be used for the purpose for which it was collected. Disclosure is limited to two categories: as prescribed in the *RCMP Act*, or as required for recognized internal administrative purposes.

The ERC relies on existing Treasury Board guidelines.

DELEGATION ORDER

The Minister of Public Safety, pursuant to section 73 of the *Privacy Act*, designates the Chair, the Vice-Chair and the Executive Director and Senior Counsel of the ERC to exercise the powers and perform the duties of the Minister as the head of a government institution, that is, the Royal Canadian Mounted Police External Review Committee, under the sections of the *Act*. The responsibilities associated with the administration of the *Privacy Act* include notifying applicants of extensions and releasing records to applicants (see Annex A, Delegation Order).

PRIVACY ACT REQUESTS RECEIVED

Throughout fiscal year 2010-11, the ERC received 21 requests under the *Privacy Act*. The disposition of the requests is as follows:

All disclosed	1
Disclosed in part	0
Excluded	0
Exempt	0
Unable to process	0
Abandoned	0
Transferred	20
Total	21

Annex B provides a summarized statistical report on *Privacy Act* requests processed by the ERC between April 1, 2010 and March 31, 2011.

DISPOSITION OF REQUESTS

The ERC transferred 18 requests to the Royal Canadian Mounted Police; it was determined that that organization would likely have any existing records. The applicants were advised accordingly. Two requests were transferred to the Commission for Public Complaints Against the RCMP as it was determined that that organization would likely have any existing records. The applicants were advised accordingly.

TRAINING ACTIVITIES

As the ERC receives a very small number of privacy requests and the majority are referrals outside the agency to larger agencies, no formal privacy training has been provided in this reporting period. However, some legal staff at the ERC have received legal training in ATIP matters. The requests that are challenging require legal analysis.

All information about the ATIP program is routinely circulated to all staff of the ERC. Also, the ERC regularly disseminates information through its quarterly newsletter *Communiqué*, its annual report and communications activities concerning its operations.

POLICIES, GUIDELINES AND PROCEDURES

The ERC did not implement any new or revised privacy related policies, guidelines or procedures during the reporting period.

COMPLAINTS/INVESTIGATIONS

The ERC did not receive any complaints and was not investigated during the reporting period.

APPLICATIONS/APPEALS TO THE FEDERAL COURTS

There were no applications/appeals to the Courts for fiscal year 2010-11.

PRIVACY IMPACT ASSESSMENTS (PIA) COMPLETED DURING THE YEAR

There were no PIA's or Preliminary PIA's undertaken by the ERC during the reporting period.

DISCLOSURES PURSUANT TO PARAGRAPH 8(2)(M) OF THE *PRIVACY ACT*

Subsection 8(2) of the *Privacy Act* provides limited and specific circumstances under which institutions may disclose personal information without an individual's consent. During the reporting period, the ERC did not disclose personal information pursuant to paragraphs 8(2)(m) of the *Privacy Act*.

Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la *Loi sur la protection des renseignements personnels*

The Minister of Public Safety Canada, pursuant to section 73 of the *Privacy Act**, hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is, the Royal Canadian Mounted Police External Review Committee, under the sections of the *Act* set out in the schedule opposite each position.

En vertu de l'article 73 de la *Loi sur la protection des renseignements personnels**, le Ministre de la Sécurité publique Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, les attributions don't il est, en qualité de responsable d'une institution fédérale, c'est-à-dire, le Comité externe d'examen de la Gendarmerie royale du Canada, investi par les articles de la *Loi* mentionnés en regard de chaque poste.

Schedule

Annexe

Position Poste	Sections of the *Privacy Act* Article de la *Loi sur la protection des renseignements personnels*
Chairman Président	8(2)(j), 8(2)(m), 8(4), 8(5), 10, 15, 17(2), 18(2), 19 to/à 28 incl., 35(4), 51(2), 51(3), Reg./Règ. 9, 11(2), 11(4), 13(1), 14
Vice-Chairman Vice-président	8(2)(j), 8(2)(m), 8(4), 8(5), 10, 15, 17(2), 18(2), 19 to/à 28 incl., 35(4), 51(2), 51(3), Reg./Règ. 9, 11(2), 11(4), 13(1), 14

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Schedule

Annexe

Position Poste	Sections of the *Privacy Act* Article de la *Loi sur la protection des renseignements personnels*
Executive Director and Senior Counsel Directeur exécutif et avocat principal	8(4), 8(5), 10, 15, 17(2), 18(2), 35(4), 51(2), 51(3), Reg./Règ. 9, 11(2), 11(4), 13(1), 14

Dated at the City of Ottawa, this 25th day of May, 2010

Daté en la ville d'Ottawa, ce _____ ième jour de _____, 2010

Vic Toews, P.C., M.P.
Public Safety Canada

Vic Toews, C.P., député
Sécurité publique Canada

* R.S.C., 1985, c. A-1

*L.R.C. (1985), ch. A-1

ANNEX B

Government of Canada / Gouvernement du Canada

REPORT ON THE PRIVACY ACT
RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	Reporting period / Période visée par le rapport
RCMP External Review Committee Comité externe d'examen de la GRC	April 1, 2010 to March 31, 2011

I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period / Reçues pendant la période visée par le rapport	21
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	21
Completed during reporting period / Traitées pendant la période visées par le rapport	21
Carried forward / Reportées	0

II Disposition of request completed / Disposition à l'égard des demandes traitées

1.	All disclosed / Communication totale	1
2.	Disclosed in part / Communication partielle	0
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	0
5.	Unable to process / Traitement impossible	20
6.	Abandonned by applicant / Abandon de la demande	0
7.	Transferred / Transmission	0
TOTAL		21

0

III Exemptions invoked / Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	0
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited / Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	21
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Extentions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	0

VII Translations / Traductions

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	1
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notation / Corrections et mention

Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	$ 3,000
Administration (O and M) / Administration (fonctionnement et maintien)	$ 25
TOTAL	$ 3,025

Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	.05

APPENDIX B - 2

Additional Reporting Requirements – *Privacy Act*

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) and the Directive on Privacy Impact Assessment (which takes effect April 1, 2010) through a variety of means. Institutions are therefore required to report the following information for this reporting period. Note that because some institutions are using the Core PIA as outlined in the Directive in advance of the implementation deadline, they will not have Preliminary PIAs to report.

Indicate the number of:

- Preliminary Privacy Impact Assessments initiated
- Preliminary Privacy Impact Assessments completed
- Privacy Impact Assessments initiated
- Privacy Impact Assessments completed
- Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC)

The RCMP External Review Committee did not undertake any of the activities noted above during the reporting period.

Part III – Exemptions invoked

Paragraph 19(1)(e)
Paragraph 19(1)(f)
Subsection 22.1
Subsection 22.2
Subsection 22.3

The RCMP External Review Committee did not invoke any exemptions noted above during the reporting period.

Part IV – Exclusions cited

Subsection 69.1
Subsection 70.1

The RCMP External Review Committee did not cite any exclusion noted above during the reporting period.